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**Introduced by Senator Lieu**

February 13, 2013

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An act to amend Section 139.45 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 258, as introduced, Lieu. Workers' compensation: advertisements.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires the administrative director to promulgate regulations regarding advertisements relating to workers' compensation, and requires the administrative director to take particular care to preclude any advertisements with respect to industrial injuries or illnesses that are false or that mislead the public with respect to workers' compensation.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 139.45 of the Labor Code is amended to
- 2 read:
- 3 139.45. (a) In promulgating regulations pursuant to Sections
- 4 139.4 and 139.43, the administrative director shall take particular
- 5 care to preclude any advertisements with respect to industrial
- 6 injuries or illnesses that are false or *that* mislead the public with

1 respect to workers' compensation. In promulgating rules with  
2 respect to advertising, the State Bar and physician licensing boards  
3 shall also take particular care to achieve the same goal.

4 (b) For purposes of subdivision (a), false or misleading  
5 advertisements shall include advertisements that do any of the  
6 following:

7 (1) Contain an untrue statement.

8 (2) Contain any matter, or present or arrange any matter in a  
9 manner or format that is false, deceptive, or that tends to confuse,  
10 deceive, or mislead.

11 (3) Omit any fact necessary to make the statement made, in the  
12 light of the circumstances under which the statement is made, not  
13 misleading.

14 (4) Are transmitted in any manner that involves coercion, duress,  
15 compulsion, intimidation, threats, or vexatious or harassing  
16 conduct.

17 (5) Entice a person to respond by the offering of any  
18 consideration, including a good or service but excluding free  
19 medical evaluations or treatment, that would be provided either at  
20 no charge or for less than market value. No free medical evaluation  
21 or treatment shall be offered for the purpose of defrauding any  
22 entity.